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## CONGRESSIONAL RECORD—HOUSE

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items that nobody suspected, especially when we do it under unanimous consent.

Now, the gentleman can assure us that there is nothing new or unusual in this conference that has been added by the other body?

Mr. BROOKS. I think the bill is just as clean as you can get it. We will bet on that.

Mr. ROUSSELOT. Mr. Speaker, after that heavy assurance, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

#### COMMENDING ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. BROOKS. Mr. Speaker, I send to the desk a resolution (H. Res. 805) to commend Elmer B. Staats, Comptroller General of the United States, on the occasion of the conclusion of his distinguished career of Federal service, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HORTON. Mr. Speaker, reserving the right to object, and I will not object, I take this opportunity to yield to the gentleman from Texas (Mr. Brooks) so that he can explain the resolution.

Mr. BROOKS. Mr. Speaker, I offer, with pleasure, a House resolution honoring Comptroller General Elmer B. Staats for his long years of dedicated service to the Congress and the country.

The resolution, which is cosponsored by Congressman FRANK HORTON, ranking minority member of the Committee on Government Operations, calls attention to the many achievements and contributions of Comptroller General Staats during his tenure in office, which have resulted in substantial improvement in the management of Federal programs and congressional oversight of those programs.

The occasion for the resolution is the impending retirement of Mr. Staats as his 15-year term as Comptroller General comes to an end. Previous to that service he held the position of Deputy Director of the Bureau of the Budget under four presidents.

It has been a distinguished, notable career and it is fitting that Congress should recognize it.

(Mr. BROOKS asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, I thank the gentleman and I join him in this bipartisan tribute to Mr. Staats. It is appropriate that we commemorate his retirement and call attention to his lengthy dedication to the principles of government economy and efficiency.

I have had the privilege of working closely with General Staats. From that productive association—and from my service with him on the Procurement Commission and the Commission on Federal Paperwork—I can assure this House that I know of no more dedicated public servant.

I am proud to sponsor this resolution, and I withdraw my reservation of objection.

Mrs. FENWICK. Mr. Speaker, reserving the right to object—and I shall not object—I would like to associate myself with the remarks of our previous colleagues concerning our Comptroller General. Surely we had no finer public servant.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

#### H. RES. 805

Whereas the Congress and the Nation wish to recognize the dedicated service of Elmer B. Staats as Comptroller General of the United States since 1966, during which time he has exhibited selfless devotion to the objective of making the General Accounting Office, an arm of the legislative branch of Government, a valuable asset to the Congress.

Whereas the Congress and the Nation wish to express their appreciation for the service of Elmer B. Staats prior to 1966 as Deputy Director of the Bureau of the Budget under four Presidents, during which time he consistently applied himself in innumerable ways to the objective of improving the efficiency and effectiveness of governmental programs and activities; and

Whereas the Congress and the Nation note with praise the lifelong contributions of Comptroller General Staats to the cause of strengthening the profession of public administration and the spirit of public service: Now, therefore, be it

Resolved, That the House of Representatives hereby commends: The Honorable Elmer B. Staats, Fifth Comptroller General of the United States, for his long and distinguished public career and for his immense contributions to the goals of improved management of Federal programs and activities and strengthened congressional oversight.

Sec. 2. A copy of this resolution shall be transmitted to the distinguished Comptroller General of the United States, Elmer B. Staats.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, OCTOBER 17, 1980, TO FILE SUNDRY OVERSIGHT REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, October 17, 1980, to file sundry oversight reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, OCTOBER 8, 1980, TO FILE REPORT ON H.R. 4178

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, October 8, 1980, to file a report on H.R. 4178.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### CONFERENCE REPORT ON S. 1482, CLASSIFIED INFORMATION PROCEDURES ACT

Mr. MAZZOLI. Mr. Speaker, I call up the conference report on the Senate bill (S. 1482) to provide certain pretrial, trial and appellate procedures for criminal cases involving classified information, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 30, 1980.)

Mr. MAZZOLI (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. MAZZOLI) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. McCloskey) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

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Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

I would like to make mention on page 1 of the conference report there is a typographical error, section 1(a) of which defining unclassified information should be defining classified information.

Mr. Speaker, this important legislation responds to a phenomenon currently threatening both the fair administration of justice and the effective operation of our intelligence services.

The phenomenon has come to be called "graymail." Graymail occurs when the Government is prevented from initiating a prosecution or is forced to dismiss a pending prosecution because of its fear that the defendant will disclose or cause the disclosure of classified information during trial.

The phenomenon is not limited to espionage prosecutions. Graymail can also occur—indeed, it has occurred—in narcotics and murder trials, as well as in cases involving the prosecution of Gov-

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ernment officials and businessmen. In its worst extent, graymail appears when a defendant threatens to disclose any or all classified information in his possession, whether or not it is related to the issues of the case.

Graymail may also mean nothing more than that a defendant is exercising his legitimate rights to defend himself through the use of relevant and admissible classified information.

In either instance, however, the result may be the same: A criminal case is terminated prematurely, justice is not done, and public confidence in our prosecutorial authorities is lessened.

This legislation is intended to insure that classified information which bears no possible relationship to the issues in a criminal trial is not disclosed. It is also intended to insure that classified information that is relevant to the defendant's case will be identified prior to trial, before it is publicly revealed, so that the Government can make an informed decision in determining whether or not the benefits of prosecution will outweigh the harm stemming from public disclosure of such information.

The heart of the bill is its requirement that a criminal defendant notify the court and the Government before trial of any intention to disclose or cause the disclosure of classified information during trial. The Government may then obtain, prior to trial and in camera a ruling on the relevance or admissibility of the information and may take an interlocutory appeal from an adverse decision. It is to be emphasized that the bill does not alter the existing standards for determining relevance or admissibility.

In some instances, if the court makes the specific determination that to do so would provide the defendant with substantially the same ability to make his defense, the court may order that a specific item of classified information be replaced by a summary thereof or a stipulation to the facts such information tends to prove. The bill also requires the Government to provide the defendant with pretrial notice of the evidence it intends to use to rebut the information furnished in advance by the defendant.

Mr. Speaker, the legislation was reported unanimously by the Permanent Select Committee on Intelligence and the Committee on the Judiciary. It passed the House on the Suspension Calendar.

A substantially similar bill cleared the other body in the same expeditious and bipartisan fashion.

The conference committee swiftly resolved the differences between the versions of the two Houses. The only two major issues of substance in the conference, which involved issues of special concern to the Intelligence Committee and the Judiciary Committee, concerned the standard for alternative disclosure of classified information ruled admissible and the proper time to permit the Government to explain why the particular classified information at issue was so sensitive.

The conferees adopted the House provisions on both of these issues, and on

most other issues as well. In those areas where Senate provisions were adopted, the result has been to add clarity and concision to the legislation.

Mr. Speaker, the conference report is true to the House-passed measure in both spirit and substance. It is good legislation that provides an effective solution to the graymail problem without impinging in any manner on the rights of criminal defendants.

I urge its adoption.

Mr. McCLODY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. McCLODY asked and was given permission to revise and extend his remarks.)

Mr. McCLODY. Mr. Speaker, I rise to support the conference report to S. 1482, the Classified Information Criminal Trial Procedures Act. Mr. Speaker, the primary thrust of the bill which was adopted by the House last week has been retained and strengthened through the efforts of the conferees.

This legislation, when enacted, will provide the means by which criminal prosecutions may be brought to trial without risk of "graymail"—that is, the potential of unauthorized disclosure of classified information thereby threatening our national security. The legislation provides the best solution to a serious problem—furthering the interest of the Government in prosecuting wrongdoers while fully taking into account the rights of the accused.

It is my sincere hope that criminal prosecutions—especially in the areas of espionage and leaks of classified information—will now go forward on their individual merits without fear of graymail.

In closing, I would like to make note of the diligent efforts of the staff of the committee and, especially of the Subcommittee on Legislation.

Mr. Speaker, I urge adoption of the conference report.

Mr. BOLAND. Mr. Speaker, I rise in strong support of the conference report. It preserves all the essential features of the House bill. It is an excellent statute and will make a significant contribution to the resolution of criminal cases which otherwise might never come to trial.

Mr. Speaker, I want to compliment the gentleman from Kentucky (Mr. MAZZOLI) for his stalwart work on this measure. It bears his stamp as it does that of the gentleman from Illinois (Mr. McCLODY) and its original sponsor, Mr. MURPHY of Illinois. I also wish to praise the contribution of the gentleman from California (Mr. EDWARDS) and the gentleman from Illinois (Mr. HYDE), from the Judiciary Committee. Lastly I wish to laud the superior staff work which rendered a number of relatively complex concerns into needed statutory form.

Mr. Speaker, I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## REQUEST TO CONSIDER H.R. 3765, THE WALNUT MARKETING AND PROMOTION ACT OF 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3765) to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for a form of marketing promotion, including paid advertising, and that marketing orders respecting walnuts and olives provide for crediting certain direct expenditures of handlers for promotion such commodities.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WYDLER. Mr. Speaker, I object. The SPEAKER pro tempore. Objection is heard.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, H.R. 3765, the Walnut Marketing and Promotion Act of 1980, as passed by the House on September 15, 1980, was approved by the Senate on October 1, 1980, with an amendment adding two additional titles—titles II and III.

Title II, Agricultural Trade Subsidy Adjustment Act of 1980 parallels very closely H.R. 7264, the producer age program for wheat and feed which was reported out of the Agriculture Committee on May 7, 1980, by a vote of 40 to 1, and H.R. 1116, designed to change the dates for nouncement of wheat and feed set-aside.

Title III, the Food Security Reserve Act of 1980 parallels very closely H.R. 6635, which was first reported out of the House Foreign Affairs Committee on February 28, 1980, by a vote of 30 to 1, and then out of the House Agriculture Committee, which had joint jurisdiction, on May 12, 1980, by a vote of 30 to 1.

Additionally, titles II and III embody the agreements reached by the committee of conference on H.R. 7664, the Child Nutrition Act, the committee of conference on H.R. 7664 has not yet completed work on aspects of that legislation. The committee took action to add that portion which had been agreed to as part of H.R. 3765. This action was part of the Senate adding titles II and III to H.R. 3765 was sponsored